

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

BITBILA COLLINS YONKO, #A79-238-240,

Petitioner,

v.

ACTION NO. 2:05CV290

MARIE F. LOISELLE,
Field District Director Detention and Removal
Immigration and Customs Enforcement ("ICE"),

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241.

The petition challenges the legality of petitioner's continuing incarceration and claims that his detention violates the Due Process Clause of the Fifth Amendment of the United States Constitution.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. Report of the Magistrate Judge was filed on September 6, 2005, recommending dismissal of the petition. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the United States Magistrate

Judge's Report and Recommendation and the time for filing same has expired.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed September 6, 2005, and it is, therefore ORDERED that the petition be DENIED and DISMISSED as petitioner's claims are moot since he was deported from the United States on August 17, 2005. See Respondent's Notice to Court of Petitioner's Removal (Document No. 11).

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 60 days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to the petitioner at his last known address and to counsel of record for the respondent.

/s/

JEROME B. FRIEDMAN
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

September 28, 2005